IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

MFA.No. 1224 of 2001(A)

OPMV.3491/1994 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PERUMBAVOOR
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APPELLANT PETITIONER:

GOPI, S/O. KUTTAPPAN, AMBATTU HOUSE, NAYATHODE, ANGAMALY.

BY ADV. SRI.JOSE THETTAYIL

RESPONDENTS - RESPONDENTS:
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1. **SMT. OMANA JOHN, ERAPPANTHADATHIL HOUSE, EDAYAR, KOOTHATUKULAM - 686 662.**

2. **THE UNITED INDIA INSURANCE CO. LTD., MOTOR THIRD PARTY CLAIMS OFFICE, VETTUKATTIL BUILDING, 4TH FLOOR, KOCHI.**

BY ADV. SRI.P.P.JACOB
SRI.A.A.MOHAMMED NAZIR

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 1224 OF 2001

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Dated this the 26th day of March, 2007

J U D G M E N T

Heard. Admitted. Advocate Shri A.A. Mohammed Nazir took notice for the insurer.

2. Petitioner in O.P(MV) No. 3491 of 1994 on the file of the Motor Accidents Claims Tribunal, Perumbavoor, has filed this appeal challenging the quantum of compensation awarded by the Tribunal. Petitioner met with an accident at about 4.15 p.m. on 1.5.1994. He filed an Original Petition before the MACT claiming compensation impleading the owner, driver and insurer of the vehicle. The Tribunal found that the accident occurred due to the negligence of the driver. Accordingly compensation was awarded and the insurer was directed to pay the compensation. Petitioner himself has filed this appeal contending that the compensation awarded by the Tribunal is inadequate.

3. In view of the fact that the finding regarding negligence and entitlement of compensation has become final, notice to the owner and driver is dispensed with and the appeal

itself is heard and disposed of.

4. The Tribunal has awarded a sum of Rs.3,000/- towards pain and suffering. Considering the nature of the injuries sustained and the period of treatment, I am of the view that an amount of Rs.3,500/- more ought to have granted by the Tribunal as compensation on that count, making a total amount of Rs.6,500/-. Considering the disfigurement and loss of amenities, etc., the Tribunal had awarded a sum of Rs.1,500/- as compensation under those heads. The Tribunal ought to have granted a sum of Rs.4,000/- more as compensation under those heads.

In the result, the appeal is allowed in part. The award passed by the Tribunal is modified by granting an additional compensation of Rs.7,500/- in addition to the amount already awarded by the Tribunal. The said amount will carry interest at the rate of 7% also. Appellant can recover the amount awarded by this Court with interest also from the insurer.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 1224 OF 2001

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J U D G M E N T

26TH MARCH, 2007